



# STATE OF INDIANA

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City of Terre Haute Sewage & Billing Dep't.  
Jesse Tohill, Supervisor  
17 Harding Avenue  
Terre Haute, IN 47807

*Via Email Only: [Jesse.Tohill@TerreHaute.IN.Gov](mailto:Jesse.Tohill@TerreHaute.IN.Gov)*

**Re: Informal Opinion 18-INF-12;**

Dear Mr. Tohill:

This informal opinion is in response to your inquiry seeking feedback on the City of Terre Haute's proposed creation of a webpage that will allow a person to submit a request for certain sewage & billing records and receive an instant response. In accordance with Indiana Code section 5-14-4-10(5), I issue the following informal opinion to your inquiry.

## BACKGROUND

The City of Terre Haute Sewage and Billing Department is considering a proposal that would result in the creation a webpage that will enable interested parties to submit a request for certain public records and receive an instant response. The instant response will be limited to billing records for the current or most recent account holder for the property in question.

Currently, when a person files a request for sewage billing records the department conducts a full history search for all sewage billing accounts established at a specific property. This increases the time required to fulfill records requests. The reality of longer wait times for the fulfillment of records requests for sewage bills can be especially problematic for certain requestors. For instance, a landlord who needs only the billing records of a current or most recent account holder for the purpose of resolving matters at the intersection of security deposits and unpaid sewer bills must wait for the City to generate a full billing history—ostensibly including all or most account holders for a particular property—which creates longer wait times.

Essentially, the City is looking to add second response option for certain types of requests in an effort to fulfill requests for sewage billing records more quickly and efficiently for all concerned. Notably, the new website is not designed to replace the entire existing process for accessing records. Rather, the intent is to offer an additional, quicker option for certain types of requests. The City will still offer public access to its records in the manner it does today.

## DISCUSSION

The Access to Public Records Act (“APRA”) expressly states that “it is the public policy of the [State of Indiana] that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” Ind. Code § 5-14-3-1. In general, APRA governs access to public records in Indiana. What is more, public records are presumptively disclosable unless an exception applies.

Based on the information presented to this office, it appears the City of Terre Haute Sewer & Billing Department’s proposed webpage that would allow an interested party to submit a request for billing records of the current or most recent account holder at a particular property and receive an instant response complies with the Access to Public Records Act.

One caveat is that the City may not use the new webpage to abdicate its duties under APRA. For example, if a particular requestor is unable or unwilling to use the new system, the City can recommend or encourage the requestor use the webpage for a quicker response to their request. If, however, the person is unwilling or unable to do so, a records request must then be processed in the typical way. In other words, public access to records cannot be conditioned on the requestor’s use of a webpage.

Still, the City of Terre Haute Sewage & Billing Department appears committed implementing a process that may provide better public access to its customers. Essentially this change could afford certain requestors the opportunity to get access to certain billing records they are seeking while avoiding the formal request process. Such an approach would—theoretically—streamline and increase public access in some cases while freeing up resources in the department to address other issues.

## CONCLUSION

To be sure, any effort to simplify the public records request process and increase the public’s ability to access an agency’s records within a reasonable time is a good thing. It is true that this office has limited information about the full scope and mechanics of this project, so it is likely there are factors not contemplated by this informal opinion.

Even so, the general overview, description, and intent of the project indicate that the webpage proposed by City of Terre Haute Sewer & Billing Department webpage could be another asset in carrying out the intent of APRA.

Please do not hesitate to contact me with any questions.

Best regards,



Luke H. Britt  
Public Access Counselor